

### **REMARKS**

This Application has been carefully reviewed in light of the Office Action. Claims 1-19 are pending in the Application. The Office Action rejects Claims 1-19. Applicants have amended Claims 1, 6, 11, and 17-18, and cancelled Claims 3 and 19. Applicants have added Claims 24 and 25. Applicants respectfully request reconsideration and favorable action.

#### **Independent Claims 6 and 17**

Applicants have rewritten Claims 6 and 17 in independent form as Independent Claims 6 and 17, respectively. As a result, Applicants respectfully submit that any subsequent rejection of Independent Claim 6 or Independent Claim 17 based on a new ground of rejection would have to be presented in a non-final rejection.

#### **The *Ellis* Reference**

The Office Action uses U.S. Application Pub. No. 2004/0117831 filed by Ellis et al. ("*Ellis*") in rejecting various claims. Applicants respectfully submit that the rejections of these claims are improper because *Ellis* was filed after the Applicant's filing date of April 9, 2001. Additionally, Applicants respectfully note that Applicants further claim priority to Applicants' Provisional Application filed April 8, 2000. As a result, Applicants respectfully submit that in order to utilize *Ellis*, the Examiner must include a showing of support from Provisional Application No. 60/141,501 filed June 28, 1999 ("*Ellis Provisional*"), which *Ellis* claims priority to. See M.P.E.P. § 706.02 and M.P.E.P. § 2136.03. A copy of the *Ellis Provisional* is enclosed for the convenience of the Examiner.

#### **103 Rejections**

The Office Action rejects Claims 1, 2, 4, 14, and 18-19 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Application Pub. No. 2002/0007493 filed by Butler et al. ("*Butler*") in view of U.S. Patent No. 5,938,737 to Smallcomb et al. ("*Smallcomb*"). The Office Action rejects Claims 1, 3, 5-10, 12-13, and 15-17 under 35 U.S.C. § 103(a) as being unpatentable over *Ellis* in view of *Smallcomb*. The Office Action rejects Claim 11 under 35 U.S.C. § 103(a) as being unpatentable over *Butler* in view of *Ellis*. Applicants respectfully traverse these rejections.

Independent Claim 1, as amended, is allowable at least because the *Ellis Provisional* fails to disclose, expressly or inherently, “providing a digital interactive set-top box coupled to a standard television, said interactive set-top box accessing said additional Internet-based content and superimposing said content on said video stream.” The Office Action relies on a set-top box 26 of *Ellis* at Paragraph 0098 to disclose this limitation previously included in cancelled Claim 3. *See Office Action*, Page 7. Whether or not this is correct, *Ellis* was filed after Applicants’ priority date and cannot be used as a reference against Applicants’ Application unless support exists for all alleged limitations in the *Ellis Provisional*—it does not. The *Ellis Provisional* fails to disclose at least the set-top box of *Ellis*. In fact, the *Ellis Provisional* merely discloses an electronic program guide. *See Ellis Provisional*, Page 2. As a result, the *Ellis Provisional* fails to disclose “providing a digital interactive set-top box coupled to a standard television, said interactive set-top box accessing said additional Internet-based content and superimposing said content on said video stream” of Independent Claim 1, as required by the M.P.E.P.

For at least this reason, Independent Claim 1 is allowable, as are Claims 2, 4-5, 8-10, 12-16, and 24-25 that depend therefrom. For analogous reasons, Independent Claims 11 and 18 are allowable. Reconsideration and favorable action are requested.

Claim 6, as rewritten in independent form, is allowable at least because the *Ellis Provisional* fails to disclose, expressly or inherently, “storing one or more of said video clips of said selected plays; summarizing said stored video clips with a graphic summary including coded indicators denoting types of plays; replaying one of said video clips upon viewer selection of a corresponding said coded indicator.” The Office Action relies on claim 5 and Paragraphs 0018, 0169, and 0184 of *Ellis* to disclose this limitation. *See Office Action*, Page 7. The *Ellis Provisional*, however, not only fails to disclose “one or more of said video clips of selected plays,” but also fails to disclose “summarizing said stored video clips with a graphic summary including indicators denoting types of plays” of Independent Claim 6, as required by the M.P.E.P.

For at least this reason, Independent Claim 6 is allowable, as is Claim 7 that depends therefrom. For analogous reasons, dependent Claim 24 is allowable. Reconsideration and favorable action are requested.

Claim 17, as rewritten in independent form, is allowable at least because the *Ellis Provisional* fails to disclose, expressly or inherently, “providing taskbars displaying various accounts in the home.” The Office Action relies on a user profile of *Ellis* at Paragraph 0202 to disclose this limitation. See *Office Action*, Page 10. The *Ellis Provisional*, however, fails to disclose the user profile of *Ellis*. In fact, it also clearly teaches away from a user profile, as described below:

Unlike user-preference-based guides, there is no mode. When one viewer in a household is done making selections, the guide is not left in a state with that viewer’s preferences still intact. There is no need to “log in” and tell the system who is watching television.

See *Ellis Provisional*, Page 2 (emphasis added). As a result, the *Ellis Provisional* fails to disclose “providing taskbars displaying various accounts in the home” of Claim 17, as required by the M.P.E.P.

For at least this reason, Independent Claim 17 is allowable. For analogous reasons, dependent Claim 25 is allowable. Reconsideration and favorable action are requested.

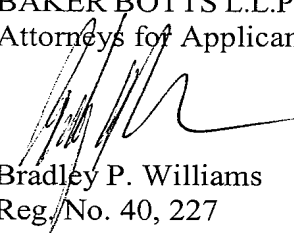
**CONCLUSION**

Applicant has made an earnest attempt to place this case in condition for allowance. For at least the foregoing reasons, Applicant respectfully requests full allowance of all pending claims.

An additional fee of \$400.00 is due to cover two dependent claims made into independent form. The Commissioner is hereby authorized to charge said \$400.00 additional fee and any additional fees or credit any overpayments to Deposit Account No. 20-0668 of Texas Instruments.

Respectfully submitted,

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